

REMARKS

Entry of the foregoing amendment and reconsideration of this application is respectfully requested. By the foregoing amendment, claims 18, 26, 28, 41, 42 and 49 have been rewritten in independent form, and independent claims 14, 22 and 30 have been amended. Claims 1-13 were canceled by preliminary amendment. Thus, claims 14-60 remain pending in the application.

The following requirements, objections and rejections were made in the Office Action:

1. A requirement was made for submittal of the original patent;
2. The declaration is objected to for failure to contain the statement required under 37 CFR §1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid;
3. The declaration is objected to for failure to identify at least one error which is relied upon to support the reissue application;
4. The declaration is objected to for failure to state that the applicant: believes the named inventors to be the original and first inventors of the claimed subject matter, has reviewed and understands the contents of the specification, including the claims, as amended, and acknowledges the duty to disclose all information known to be material to patentability;
5. Claims 14-60 are rejected under 37 CFR §1.175(b)(1) as being based on a defective reissue declaration;
6. Claims 14-60 are rejected under 35 USC §251 as lacking basis for reissue due to expiration of the original patent;
7. Claims 22-29 are rejected under 35 USC §112 as lacking antecedent basis in the written description;

8. Claims 14-17 and 21 are rejected under 35 USC §102 as being anticipated by U.S. Patent No. 5,918,677 to Head; and

9. Claims 14-17, 22-25 and 30-40 are rejected under 35 USC §102(a) as being anticipated by Russian Published Application RU 2079633.

Regarding the requirement to surrender the original patent, please note that the cited rule (37 CFR §1.178) was amended on September 21, 2004. The rule no longer requires actual surrender of the original patent. Therefore, this requirement is respectfully traversed.

Regarding the objections to the declaration, and the rejections of claims 14-60 under 37 CFR §1.175(b)(1), please note that the present application is a division of a prior reissue application having serial no. 10/367,619. As such, the declaration filed in this divisional application was a copy of the declaration filed in the parent reissue application. Enclosed is a copy of the stamped postcard receipt which accompanied the present divisional application. The postcard receipt shows that the declaration was filed with the application, but indicates that only two pages were sent. The declaration in the parent reissue application actually included three pages, so it appears that one of the pages was inadvertently omitted when the declaration was copied for filing with this divisional application. Enclosed is a copy of the complete declaration from the parent reissue application. It will be seen that each of the objections to the declaration is cured by the statements contained on the first page of the declaration.

Regarding the rejection of claims 14-60 as lacking basis for reissue due to expiration of the original patent, please note that the original patent has not actually expired. Enclosed please find a copy of a maintenance fee statement, showing that the maintenance fee has been paid for U.S. Patent No. 6,189,616 (with a surcharge for late payment). Therefore, this rejection of claims 14-60 is respectfully traversed. ✓

Regarding the rejection of claims 22-29 under 35 USC §112 as lacking antecedent basis in the written description, this rejection is respectfully traversed. The examiner states in paragraph 10 of the Office Action that the recitation of “inflating the flow passage outwardly” in claim 22 is not supported by the original disclosure. The applicants respectfully submit that persons of ordinary skill in the art would understand that “inflating” means expansion using fluid pressure, which is described several times in the original disclosure. For example, see column 2, lines 24-26 and column 17, lines 51-59. Expansion of a flow passage is also described at column 4 lines 27-32, column 6 lines 50-54, column 14 lines 48-58 and column 15 lines 23-25. Therefore, a person skilled in the art would definitely understand that the applicants had possession of the invention recited in claim 22 at the time of the original disclosure.

Furthermore, at column 7, lines 44-48 it is described that the sealing device 100 used in the passage 78 may be a sealing device described later in the specification. Such a sealing device is illustrated in FIG. 9 and described at column 17, lines 39-59. Note that the sealing device is expanded by application of internal fluid pressure. This expansion of the sealing device can also be used to expand the passage in which the sealing device is installed (see column 17, lines 63-67). Thus, for this additional reason the examiner is respectfully requested to withdraw these rejections of claims 22-29.

In addition, please note that the original disclosure also contains a description of the step of inflating a flow passage outward by virtue of the incorporation by reference of the disclosure of U.S. Patent No. 5,388,648. This incorporation by reference is found at column 4, lines 9-10 of the original patent. In column 19, lines 14-54 of U.S. Patent No. 5,388,648 is found a description of inflating a flow passage in a casing element or segment. Therefore, it will be appreciated that the original disclosure of the parent reissue application contained this specific description of the inflating step via the incorporation by reference of the ‘648 patent. For this additional reason, the examiner is respectfully requested to withdraw these rejections of claims 22-29.

Claims 18-20, 26-29 and 41-60 are not otherwise substantively rejected. Accordingly, appropriate ones of these (claims 18, 26, 28, 41, 42 and 49) have been

rewritten in independent form above. Thus, claims 18-20, 26-29 and 41-60 are in condition for allowance.

Regarding the anticipation rejections of claims 14-17, 21-25 and 30-40, please note that the independent claims 14, 22 and 30 have been amended above to make it clear that the wellbore connector, or flow passage, provides fluid communication between at least three wellbores. In the specification, the described wellbore connectors and flow passages therein provide fluid communication between an upper parent wellbore, a branch or lateral wellbore and a lower parent wellbore or additional branch wellbore. This capability is not described or suggested in either of the Head and Russian references. Neither does either of these references describe how a wellbore connector and/or flow passage having this capability could be used in the systems and methods recited in claims 14, 22 and 30. Thus, these claims are not anticipated by either of the Head and Russian references, and the examiner is respectfully requested to withdraw the rejections of claims 14, 22, 30 and their dependents.

It will now be seen that all of the pending claims are in condition for allowance. A Notice of Allowance of claims 14-60 is earnestly solicited.

The examiner is requested to telephone the undersigned attorney of record at (972) 516-0030 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

KONNEKER & SMITH, P.C.



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Dated: Mar. 15, 2005

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Mailing Label No. EV 341133720US

on MARCH 15, 2005

Shen Shifeng



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: John C. Gano, Tommie A. Freeman,
John S. Bowling and James R.
Longbottom

Entitled: EXPANDABLE WELLBORE
JUNCTION

Filed: March 30, 2004

Serial No.: 10/812,597

Group Art Unit: 3672

Examiner: George A. Suchfield

**STATEMENT OF STATUS AND SUPPORT
UNDER 37 CFR §1.173(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

All of the claims 1-13 which originally issued in U.S. Patent No. 6,189,616 have been canceled by preliminary amendment in this divisional reissue application. Claims 14-60 were added by the preliminary amendment. Claims 14-60 remain pending. Claims 14, 22 and 30 have been substantively amended, and claims 18, 26, 28, 41, 42 and 49 have been rewritten in independent form, by the accompanying Amendment.

The amendments to claims 14, 22 and 30 add limitations to these claims which are supported by the original disclosure. For example, in FIG. 2D and the accompanying description (column 5, line 49 to column 8, line 13) are described an

upper parent wellbore 62, lower parent wellbore 72 and branch or lateral wellbore 80 which are connected by a wellbore connector 74 with a passage 78 therein. The upper parent wellbore 62 could alternatively be a lateral or branch wellbore (see column 5, lines 62-65). Thus, the wellbore connector 74 and the internal passage 78 provide fluid communication between the wellbores 62, 72, 80.

Respectfully submitted,

KONNEKER & SMITH, P.C.



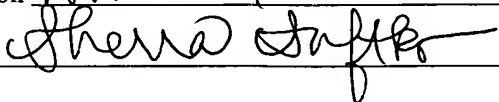
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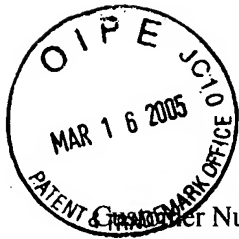


The PTO "received" stamp imprinted herein acknowledges the filing of:

DATE MAILED: MARCH 30, 2004
TITLE OF INVENTION: EXPANDABLE WELLBORE JUNCTION
INVENTOR(S): GANO ET AL.
SERIAL NO.: UNASSIGNED 17510 U.S. PTO
FILING DATE: HEREWITH 10/812597
DOCKET NO.: 970194UIDIPDI
EXPRESS MAIL LABEL NO.: EV 341131763US 033004

- ☒ CERTIFICATE OF 1ST CLASS EXPRESS MAILING
☐ NEW APPLICATION (____ pgs)
☐ ASSIGNMENT(S) & REC. (____ pgs) (____ ea)
☒ DECLARATION/POA; SIGNED / UNSIGNED (2 pgs)
☒ DRAWINGS; FORMAL/INFORMAL (16 pgs FIGS 1-10)
☒ IDS (3 pgs) WITH / WITHOUT REFERENCES; PTO/SB/08 (3 pgs)
☒ TRANSMITTAL LETTER (3 pgs)
☒ CONTINUATION DIVISIONAL APPLICATION (33 pgs)
☒ AMENDMENT (11 pgs) PTOL 85B FORM (____ pgs)
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MAINTENANCE FEE STATEMENT

The data shown below is from the records of the Patent and Trademark Office. If the maintenance fees and any necessary surcharges have been timely paid for the patents listed below, the notation "PAID" will appear in column 10, "STAT", below.

If a maintenance fee payment is defective, the reason is indicated by code in column 10, "STAT" below. TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.377. THE PAYMENT(S) WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(k) and (l).

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

PATENT NUMBER	FEE CODE	FEE AMT	SUR CHARGE	APPLICATION NUMBER	PATENT DATE	FILE DATE	PAY YR	SML ENT	STAT	ATTY DKT NUM
6,189,616	1551	\$900.00	\$130.00	09/522,913	02/20/01	03/10/00	04	NO	PAID	2000IP000309

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